IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.825 OF 2006

IN

WRIT PETITION NO.7050 OF 1999

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and registrar's Orders.	Court's or Judge's Orders

Mr.S.V.Sadavarte for applicant
Mr.N.V.Bandiwadekar for respondent no.2b

CORAM : P.V.KAKADE, J.

DATE : 24TH MARCH,2006

P.C.:

1. Heard both sides.

2. This is an application for setting aside the order dated 15.9.205 by which the writ petition was dismissed for default.

3. It is brought to my notice on behalf of the respondents that earlier on four occasions the petition was similarly dismissed and still the petitioner has not learn the lesson and therefore, it was

submitted that this application deserves to be dismissed.

4. However, in view of the facts and circumstances, I am inclined to allow the application conditionally with observation henceforth the petitioner shall be well advised more careful, failing which such extends would not be shown again. In the result the application is made absolute in terms of prayer clause (a) on condition that the applicant shall pay the cost of Rs.5000/=. Out of which Rs.2500/= shall be donated to the Maharashtra State Legal Services Authority within two weeks from the date of this order. Application stands disposed off.